



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

March 29, 1939

Mr. Charles H. Slaughter  
County Attorney,  
Martin County  
Stanton, Texas

Dear Sir:

Opinion No. O-482  
Re: Consolidation of school  
districts

In your letter of March 11, 1939, you ask us for  
an opinion on the following questions:

"First - What provisions, if any, are there  
for the consolidation of two school districts  
when located in adjacent counties?

"Second - Where there is a high school in  
one county having an average daily attendance of  
250 for the preceding year and an elementary or  
grammar school with an average attendance of 35  
or 36 for the preceding year, located in the ad-  
joining county, what are the provisions for con-  
solidating the two schools?"

In reply to our request for more specific details  
you informed us on March 20th that the high school refer-  
red to in your second question was in a rural high school  
district, and the grammar school was in an independent  
school district.

Reply to your first question:

Article 2742b Sec. 8b of the Revised Civil Statutes  
of 1925, as amended, is the statute with respect to consoli-  
dation of school districts lying in adjoining counties. It  
provides for the consolidation of the following school dis-  
tricts by election under provisions of Article 2896, to-wit:  
Common school and common county line districts, and common  
school and common county line districts with a contiguous

independent district in same or adjoining counties.

Reply to your second question:

We find no provision in the statutes allowing the consolidation of a rural high school district in one county with an independent school district in another county. Article 2922aa R. C. S. provides for the consolidation of a rural high school district with a contiguous common school district, but does not extend to districts lying in different counties. Article 2742b Sec. 5b is the only provision in the statutes with respect to consolidation of school districts lying in different counties, and school districts in different counties, in order to be consolidated, would have to be the type therein set out.

Believing that this answers your question, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Durward B. Mahon*

Durward B. Mahon  
Assistant

DDM-MR

APPROVED:

*J. H. Moore*

FIRST ASSISTANT ATTORNEY GENERAL